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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,407	07/22/1999	MANABU OHGA	862.2934	1536

5514 7590 08/05/2002

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[REDACTED]  
EXAMINER

SAJOUS, WESNER

[REDACTED]  
ART UNIT PAPER NUMBER

2672

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/358,407	OHGA, MANABU
	Examiner Wesner Sajous	Art Unit 2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - ✓ a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 &amp; 5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Oath/Declaration*

The Oath of Declaration is objected to because the signature of the inventor is omitted. A new Oath including the signature of the sole inventor is required in response to this action.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- I. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Statt (5,276,779).

Considering claim 1, Statt, fig. 2, discloses an image processing method for performing color process based on color appearance model (114), comprises the steps of inputting location information (10) which relates to a positional relation between a viewing subject in a data source side (18) and a viewing subject in a data destination side (18' or 20); and controlling the color process (12) based on the inputted location information. See also fig. 4 and col. 7, line 42 through col. 8, line 65.

Re claim 2, Statt, fig 2, discloses the step of setting a chromatic adaptability condition (114) based on the inputted location information. Refer also to fig. 4, item 128, and 130.

In claim 3, Statt, fig 2, discloses the step of inputting (10) plural viewing information (R,G,B), which relate to a viewing condition (114/26/28) of the data source side (18) and a viewing condition of the data destination side (18' or 20).

In claim 4, Statt discloses the color process is color matching processing (col. 1, lines 31-32 or col. 8, lines 43-44) based on profiles (26/28) of the data source side (18) and the data destination side (18' or 20).

As per claim 5, Statt, fig. 1/2, discloses an image processing method having a user interface (10) for manually inputting location information (R,G,B) which relates to a positional relation between a viewing subject in a data source side (18) and a viewing subject in a data destination side (18' or 20), and a user interface (12/14) for manually inputting viewing information which relates to a viewing condition (26), for performing color process (12) on input image data (X,Y,Z) based on a color appearance model (114), comprises the steps of controlling the color process (12) based on the inputted location information. See also fig. 4 and col. 7, line 42 through col. 8, line 65.

Regarding claim 6, Statt discloses an image processing method (figs. 1/2) for performing color process (12) on input image data (X,Y,Z) based on a color appearance model (114), comprises the steps of inputting (10) viewing information (R,G,B) which relate to a viewing condition (114/26/28); inputting manual instruction (by means of device 14) which relates to a chromatic adaptability condition (114) based on the inputted location information; and performing color process (12) on input image data (X,Y,Z) based on the inputted viewing information (R,G,B) and manual instruction (14).

Re claim 7, Statt discloses an image processing method (figs. 1/2) which has a user interface (10) for inputting various conditions which relate to color process (12) based on a color appearance model (114), for performing color process (12) on input image data (X,Y,Z) based on the color appearance model (114); comprises the steps of

changing a construction of components (12) of the user interface (14) in accordance with a level of a user. See illustrations at fig. 4.

Apparatuses claims 8-11 recite features equivalent to and performing the same functions as methods claims 1-4, respectively, and are, therefore, subjected to the same rejections as method claims 1-4.

The invention of claim 12 recites features performing the functions of claim 1 and is similarly rejected, because the system of Statt is computer implemented, and the implemented computer 12 could have included application programs or program codes residing in the computer for executing the image processing method and steps recited in claim 1.

Claim 13 recite features equivalent to and performing similar functions to claim 5, and are similarly rejected, for the system of Statt implement a computer incorporating an application program with computer program codes for executing the image processing method of the system.

Claim 14 recites features equivalent to claim 6 and is similarly rejected, for a computer program product (12) is incorporated in the system of Statt.

Claim 15 recites features equivalent to claim 7 and is similarly rejected.

### **Conclusion**

The references recited in the PTO 892-Form are patents pertinent to applicant's disclosure.

**Any response to this action should be mailed to :**

**Box**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

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Art Unit: 2672

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(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5359 for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays between 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713. The fax phone number for this group is (703) 308-6606.

Wesner Sajous - WOS  
Patent Examiner, art unit 2672  
April 30, 2002



MATTHEW LUU  
PRIMARY EXAMINER